

MAR 13 2015

---

## SENATE CONCURRENT RESOLUTION

---

AUTHORIZING THE ISSUANCE OF FOUR TERM, NON-EXCLUSIVE EASEMENTS COVERING PORTIONS OF STATE SUBMERGED LANDS AT STABLE ROAD BEACH, STABLE ROAD, SPRECKLESVILLE, WAILUKU, MAUI, FOR THE USE, MAINTENANCE, AND REPAIR OF FOUR EXISTING ROCK GROINS.

1 WHEREAS, the Board of Land and Natural Resources approved  
2 the Office of Conservation and Coastal Lands Small Scale Beach  
3 Nourishment SSBN-MA-08-01 application under a State Programmatic  
4 General Permit in May 2009 to allow the Stable Road Beach  
5 Restoration Foundation, Inc., to install four temporary geo-tube  
6 groins and beach nourishment on the Stable Road Beach; and  
7

8 WHEREAS, other key permits were received, including a  
9 Special Management Area Exemption 2008/0453 and Shoreline  
10 Setback Approval 2008/0042 from the County of Maui in February  
11 2009, a Water Quality Certification from the Clean Water Branch  
12 of the Department of Health, and the issuance of Revocable  
13 Permit No. S-7618 by the Land Division of the Department of Land  
14 and Natural Resources; and  
15

16 WHEREAS, the temporary geo-tube groins and beach  
17 nourishment immediately stopped the significant erosion of the  
18 beach and allowed the beach to naturally gain sand and become  
19 wider and deeper over the four years of placement; and  
20

21 WHEREAS, the benefits of the wider, deeper beach included  
22 improved lateral beach access, improved use of recreational  
23 activities including fishing, diving, windsurfing, walking, and  
24 swimming, a beach habitat for endangered species, and protection  
25 of the surrounding properties; and  
26



WHEREAS, around September 2014, the Stable Road Beach Restoration Foundation received its final key permit approvals to construct four rock groins to replace the four temporary geotube groins; and

WHEREAS, these permits included the following:

- (1) An Environmental Assessment from the Office of Conservation and Coastal Lands;
- (2) A published Finding of No Significant Impact from the Office of Conservation and Coastal Lands;
- (3) The Conservation District Use Permit MA-3633 from the Office of Conservation and Coastal Lands;
- (4) The Department of the Army Permit POH-2011-00109 from the United States Army Corps of Engineers;
- (5) The Water Quality Certification Permit 0816 from the Clean Water Branch of the Department of Health;
- (6) The Special Management Area Minor Permit 2013/0116 from the County of Maui;
- (7) The Shoreline Setback Approval 2013/0048 from the County of Maui; and
- (8) The Environmental Assessment Exemption 2013/0079 from the County of Maui; and

WHEREAS, on September 26, 2014, under agenda item D-6, the Board of Land and Natural Resources approved to grant four term, fifty-five-year non-exclusive easements to the owners of lots adjacent to the groins, namely:

- (1) The Association of Apartment Owners of Ainalani Lot 6;
- (2) David B. Lim and Jan D. Lim, Trustees of the D & J Family Trust dated August 30, 2006;



(3) Cortland K. Larned III, Elizabeth M. Larned, and Ian Horswill; and

(4) James C. Riley, Trustee under Declaration of Revocable Trust of James C. Riley dated November 21, 1989, Jeanne A. Riley, Trustee under Declaration of Revocable Trust of Jeanne A. Riley dated November 21, 1989, and Peter Klint Martin, Trustee of the Peter Klint Martin Revocable Trust dated April 11, 1995, as amended, for rock groins purposes;

and additionally issued an immediate construction right-of-entry to the Stable Road Beach Restoration Foundation to construct the groins, Spreckelsville, Wailuku, Maui, seaward of Tax Map Keys: (2) 3-8-002:071, 074, 077, 078, and 094; and

WHEREAS, the temporary geo-tubes were entirely removed from the Stable Road Beach and the four rock groins were installed by November 5, 2014; and

WHEREAS, since that time the beach has immediately gained more sand, becoming wider and deeper; and

WHEREAS, the rock groins will provide a long-term and sustainable solution to chronic beach erosion having already increased lateral beach access, improved beach use for recreational activities including fishing, diving, windsurfing, walking, and swimming, and provided a beach habitat for endangered species and protection of the surrounding properties; and

WHEREAS, under the approval of the Board of Land and Natural Resources, the grantees are required to pay the State the fair market value of the easements as consideration of the use of public lands to be determined by an independent appraisal; and

WHEREAS, section 171-53, Hawaii Revised Statutes, requires the prior approval of the Governor and prior authorization of the Legislature by concurrent resolution to lease state submerged lands; now, therefore,



# S.C.R. NO. 163

1 BE IT RESOLVED by the Senate of the Twenty-eighth  
2 Legislature of the State of Hawaii, Regular Session of 2015, the  
3 House of Representatives concurring, that the Board of Land and  
4 Natural Resources is authorized to issue four term, non-  
5 exclusive easements covering a portion of state submerged lands  
6 fronting the property identified as seaward of Tax Map Keys: (2)  
7 3-8-002:071, 074, 077, 078, and 094: Spreckelsville, Wailuku,  
8 Maui, for the use, maintenance, and repair of the existing four  
9 rock groin structures pursuant to section 171-53, Hawaii Revised  
10 Statutes; and

11  
12 BE IT FURTHER RESOLVED that the Legislature reaffirms that  
13 both customary beach access and parking will continue to be  
14 permitted; and

15  
16 BE IT FURTHER RESOLVED that a certified copy of this  
17 Concurrent Resolution be transmitted to the Chairperson of the  
18 Board of Land and Natural Resources.

19  
20  
21 OFFERED BY:

J. Kalani Egler

